

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES S. TATE, JR., M.D.,)	2:09-CV-01748-JAD-NJK
)	
Plaintiff,)	
)	
vs.)	
)	MINUTES OF THE COURT
UNIVERSITY MEDICAL CENTER)	
OF SOUTHERN NEVADA)	
)	
Defendant.)	DATED: <u>12/9/2016</u>

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DANIELLE CACCIABAUDO REPORTER: FELICIA ZABIN

COUNSEL FOR PLAINTIFF(S): JACOB HAFTER, JOHN ALDRICH

COUNSEL FOR DEFENDANT(S): MATTHEW DUSHOFF, MICHAEL DAVIDSON, DAVID EDELBLUTE, ALSO SEATED AT COUNSEL TABLE: ANNE MARIE LANDIS (PARALEGAL), JAMES CONWAY, SUSAN PITZ (UMC REPRESENTATIVE), SHANE GODFREY

COUNSEL FOR CRAIG IWAMOTO, M.D.: ANGELA WALL

PROCEEDINGS: Jury Trial - Day 4

9:10 A.M. Court convenes outside the presence of the jury. Counsel advises the Court that the parties have stipulated to all joint exhibits, except for exhibit 1083 contained in the joint exhibit list [ECF #305].

Angela Wall, counsel for Craig Iwamoto M.D., addresses the Court regarding the order to show cause [ECF #345]. The Court hears oral arguments from the parties. The Court finds that the service was sufficient and DENIES the motion to quash subpoena [ECF #350].

The Court ORDERS that Dr. Craig Iwamoto must appear as a witness to testify in this case on Thursday 12/15/16 at 1:00 p.m. in LV Courtroom 6D. If Dr. Iwamoto fails to appear for testimony, the Court will issue an order holding him in contempt and impose a fine of \$3,000.00 for everyday he does not appear.

9:33 A.M. The jury enters the courtroom. **DR. JOHN FILDES** is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Stipulated exhibits 1010 and 1034 are admitted into evidence.**

10:30 A.M. The jury is admonished and excused for the morning break. Court stands at recess.

10:45 A.M. Court convenes in the presence of the jury. **John Fildes**, being previously sworn in, resumes the stand on direct examination by Mr. Hafter. **Stipulated exhibit 1039 is admitted in evidence. Exhibit 16 was marked, but not admitted.** Mr. Dushoff conducts cross examination. Mr. Hafter conducts redirect examination. **Stipulated exhibits 1000 and 1043 are admitted into evidence.**

11:45 A.M. The jury is admonished and excused for lunch. The Court stands at recess.

12:45 P.M. Court reconvenes outside the presence of the jury. The parties advise the Court that they have stipulated to plaintiff's exhibits 85, 86, 87, 88, 89, and 90.

12:55 P.M. The jury enters the courtroom. **EDWARD WILSON** is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Aldrich. **Exhibit 91 is marked, but not admitted.** Mr. Dushoff conducts cross examination. **Stipulated exhibit 87 is admitted into evidence.** Mr. Aldrich conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

LAWRENCE WEEKLY, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Stipulated exhibit 1047 is admitted into evidence.**

2:48 P.M. The jury is admonished and excused for the afternoon break. Court stands at recess.

3:00 P.M. Court convenes in the presence of the jury. **Lawrence Weekly**, being previously sworn, resumes the stand and Mr. Dushoff conducts cross examination. Mr. Aldrich conducts redirect examination. Witness is excused.

PETER MANSKY, M.D. is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Aldrich. **Exhibit 33 is marked and admitted into evidence. Exhibits 198 and 83 are marked, but not admitted.** Mr. Davidson conducts cross examination. Mr. Aldrich conducts redirect examination. Witness is excused.

4:35 P.M. The Court excuses the jury for the evening.

The Court and counsel review the trial schedule for next week, outside the presence of the jury. Court estimates that there are about 25 hours of court time available for the remainder of this trial. Counsel estimates how long each remaining witness will take. 15 hours will be designated to Plaintiff for witness testimony. Defense will have 10 hours remaining for witness testimony. This time does not include closing arguments.

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5:00 P.M. Court adjourns.

Jury Trial continued to Tuesday, December 13, 2016 at 9:00 A.M. in Courtroom 6D before Judge Jennifer A. Dorsey.

LANCE S. WILSON, CLERK

United States District Court

By: /s/

Danielle Cacciabauda, Deputy Clerk